761551N25A - SH-AD (11/90)



DATE: September 1, 2005

OFFICE CORRESPONDENCE FILE:

FROM: ERIC B. SMITH, COMMANDER
COMMANDER OF THE DEPARTMENT

TO: ERIC K. HAMILTON, CAPTAIN
COMPTON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JULY 8, 2003, INVESTIGATION #2146070 (aka #SH2093009)**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on July 8, 2003. The Committee met on September 1, 2005 and consisted of myself and Commander Kenneth Brazile (Commander of the Department) and A/Commander Karyn Mannis (Internal Affairs Bureau). The Committee deemed:

- as **Unfounded** the allegation that Sergeant [redacted] #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards, and
- as **Unfounded** the allegation that Deputy Patrick Neal #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards, and
- as **Unfounded** the allegation that Deputy Joseph Valencia #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards, and
- as **Unfounded** the allegation that Deputy [redacted] #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards.

EBS:MAH:mh

761551N25A - SH-AD (11/90)



DATE: September 1, 2005

OFFICE CORRESPONDENCE FILE:

FROM: ERIC B. SMITH, COMMANDER
COMMANDER OF THE DEPARTMENT

TO: DANIEL FINKELSTEIN, CAPTAIN
TRANSIT SERVICES BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JULY 8, 2003, INVESTIGATION #2146070 (aka #SH2093009)**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on July 8, 2003. The Committee met on September 1, 2005 and consisted of myself and Commander Kenneth Brazile (Commander of the Department) and A/Commander Karyn Mannis (Internal Affairs Bureau). The Committee deemed:

- as **Unfounded** the allegation that Deputy David Vasquez #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards.

EBS:MAH:mh

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: September 1, 2005

OFFICE CORRESPONDENCE FILE:

FROM: ERIC B. SMITH, COMMANDER
COMMANDER OF THE DEPARTMENT

TO: MICHAEL FORD, CAPTAIN
SAFE STREETS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JULY 8, 2003, INVESTIGATION #2146070 (aka #SH2093009)**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on July 8, 2003. The Committee met on September 1, 2005 and consisted of myself and Commander Kenneth Brazile (Commander of the Department) and A/Commander Karyn Mannis (Internal Affairs Bureau). The Committee deemed:

- as **Unfounded** the allegation that Deputy [redacted] #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards, and

- as **Unfounded** the allegation that Deputy Robert Gillis #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10: Performance to Standards.

EBS:MAH:mh

Table of Contents

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

HIT SHOOTING EVALUATION

UNIT: Compton Station
DATE: July 08, 2003
TIME: 2218 hours
LOCATION: [redacted] West Raymond Street, Compton
URN#: 003-09874-2831-013
IAB#: SH 2093009

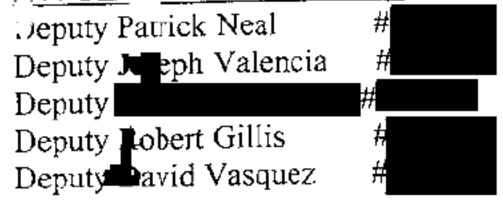
NATURE OF INCIDENT: On July 08, 2003, at approximately 2218 hours, Deputies Joseph Valencia, Patrick Neal, Robert Gillis, [redacted] and David Vasquez followed a named suspect (wanted for Spousal Assault) into his yard following a vehicle pursuit. The suspect was armed with a large steel rod. The suspect was ordered to drop the steel rod numerous times but refused to due so. The suspect turned and advanced on the deputies, the deputies fearing for their safety fired at the suspect. The suspect was struck numerous times and subsequently died from his injuries.

COMPLETED BY: Sergeant Henry J. Reyes
Internal Affairs Bureau

DATE: January 25, 2004

INVESTIGATIVE SUMMARY
USE OF DEADLY FORCE
GUNSHOT
003-09874-2831-013
SH2093009

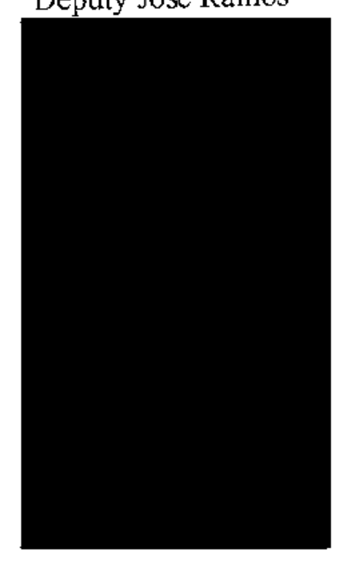
On Tuesday July 08, 2003, Sergeants Larry Gregg, Clay Porlier, Brian Morris and Henry Reyes of the Internal Affairs Bureau responded to [redacted] West Raymond Street, Compton regarding a Deputy Involved Shooting Incident, suspect deceased. Internal Affairs Bureau Lieutenant Ricky Jennings also responded. Homicide Lieutenant Al Grotefend briefed us on the circumstances surrounding the shooting. Also present were members of the Los Angeles County District Attorney's Office, Commander Betkey, Captain Rambo, Attorney Ben Jones of the Office of Independent Review and members of the Sheriff's Department Training Bureau and Civil Litigation Unit.



INVOLVED EMPLOYEE(s)
Deputy Patrick Neal #[redacted]
Deputy [redacted]eph Valencia #[redacted]
Deputy [redacted] #[redacted]
Deputy [redacted]obert Gillis #[redacted]
Deputy[redacted]avid Vasquez #[redacted]

SUSPECT
Manuel Ernesto Garcia MH/39 (deceased)
To review a copy of Suspect Garcia's criminal history, refer to page 140 of Homicide book in **Exhibit B.**

WITNESSES
Deputy Brian Bank
Deputy Jose Ramos


[redacted]

WITNESSES

[redacted]

INVOLVED EMPLOYEE'S STATEMENT(S)

Deputy Patrick Neal said on the day of the incident he was assigned to 281A, along with his partner Deputy Joseph Valencia. Neal said he and Valencia had worked together on several occasions (3-5 times) prior to this incident and they were familiar with one another's work habits. Neal said as they left briefing they were assigned to a 417/594 (Man with a gun/vandalism) call. Neal said a radio broadcast updated his call and advised that an air ship (helicopter) had located the suspect's vehicle in the vicinity of Rosecrans and Santa Fe Avenues. Neal said he drove to the area and spotted the suspect's vehicle as it turned onto Oak Street. Neal said he pulled in behind the suspect vehicle and attempted a traffic stop. Neal said the suspect's van blacked out (driving without lights during hours of darkness) and failed to yield. Neal said he initiated a broadcast radio traffic advising that he was in pursuit. Neal said he was the primary unit as the suspect vehicle turned southbound on Santa Fe Avenue. Neal said the suspect vehicle then drove westbound on Rosecrans swerving in and out of traffic. Neal said the suspect's vehicle then turned southbound on Central Avenue and then westbound onto Raymond Street. Neal said the suspect vehicle then stopped in the street in front of [redacted] Raymond Street.

Deputy Neal said he did not discuss what they (he and Valencia) were going to do once the pursuit terminated. Neal said he did not recall any coordination between the handling unit and the pursuing units as to what should happen at the terminus of the pursuit. Neal said the driver (Suspect Garcia) jumped from the vehicle and started to walk toward their vehicle. Neal said the suspect was holding a metal pipe over his head. Neal said he and Valencia ordered the suspect in English and Spanish to stop and drop the metal object. Neal said he did not fire at the suspect at this time because the suspect never advanced closer than 15-20 feet of him and he did not feel that his life was in danger. Neal said the suspect turned and ran around the front of his vehicle and into the front yard of [redacted] Raymond Street.

Deputy Neal said he believed the suspect was going to enter the residence and injure the occupants or gain entry into the residence and become a barricaded suspect. Neal said the suspect ran up to the porch of the residence. Neal said he and Valencia ran to the sidewalk just outside of the front yard and ordered the suspect in English and Spanish to stop and drop the weapon. Neal said Valencia is standing to his right and they are both standing at the opened gate. Neal said the suspect was about ten to twelve feet away from them at this point. Neal said the suspect turned toward them (he and Valencia) with the metal pipe raised above his head. Neal said they (he and Valencia) again ordered the suspect to drop the metal pipe and stop. Neal said the suspect ignored them and continued walking toward them. Neal said the suspect had advanced to within 6 to 8 feet away from them.

INVOLVED EMPLOYEE'S STATEMENT(S)

Deputy Neal said he did not give any thought to retreating away from the suspect. Neal said he believed the suspect was going to hit them with the metal pipe and in his fear for his safety and the safety of his partner, he fired his weapon. Neal said after he fired the first rounds at the suspect, the suspect did not go down and kept advancing toward them. Neal said he continued firing at the suspect and he later learned that he had fired a total eleven rounds. Neal said he could see his rounds striking the suspect. Neal said that as he fired he was aware that his backdrop was the front of residence itself. Neal said after his second volley of shots the suspect fell to the ground but maintained his grip of the metal pipe. Neal said he was aware that Valencia was also firing at the suspect. Neal said he is unsure if any other deputies fired at the suspect. Neal said after the suspect went down he and Valencia ordered the suspect to release the metal pipe, the suspect replied, "Fuck you." Neal estimated that the total time between the time suspect exited his van on Raymond Street until the time the shooting occurred was approximately 7-12 seconds. Neal said they (he and Valencia) never had time to discuss the use and deployment of less than lethal weapons. Neal added that in retrospect he would not do anything differently.

> **IAB Note: Homicide investigators examined Deputy Neal's duty weapon on July 09, 2003. Deputy Neal told Homicide investigators that prior to the incident, his duty weapon, Beretta, 92F, # BE[redacted] had been loaded with a total of sixteen rounds, 1 chambered, 15 in the magazine. Homicide investigators found a total of 5 rounds remaining in Deputy Neal's weapon, 1 chambered and 4 in the magazine.**

> **IAB Note: To review a crime scene sketch showing Deputy Neal's position at time of the shooting and signed by Deputy Neal, refer to Exhibit A.**

Deputy Joseph Valencia said he heard an earlier broadcast of a 273.5 (Spousal Assault) while he and his partner (Neal) were at Compton Station. Valencia said they were assigned a 417/594 call with the victim following the suspect. Valencia said they responded Code 3 (lights and sirens) to the location where an Air unit had located the suspect vehicle. Valencia said once they pulled in behind the suspect vehicle, the suspect ignored their lights and sirens refusing to pull over. Valencia said he broadcast that they were now in pursuit of the suspect. Valencia said the suspect vehicle drove onto Raymond Street and stopped in front of the residence at [redacted] Raymond Avenue. Valencia said he and Neal did not discuss tactics during the pursuit or at anytime prior to the shooting. Valencia said the suspect rapidly exited his vehicle with a crow bar in his right hand. Valencia said the suspect began to walk toward them with the bar raised over his head. Valencia said the suspect came within 10-15 feet of their vehicle. Valencia said he ordered the suspect to stop and drop the weapon in English and Spanish. Valencia said he heard other deputies yelling commands as well. Valencia explained that if the suspect had advanced any closer toward Deputy Neal, he would have fired at the suspect. Valencia said the suspect stopped and ran around the front of his van and into the front yard of [redacted] Raymond Street. Valencia said he followed the suspect toward the front yard of the location. Valencia explained that neither he nor Neal ever entered the yard until after the shooting occurred. Valencia said he saw that Neal was to his left and they were 7 to 10 feet away from the suspect.

INVOLVED EMPLOYEE'S STATEMENT(S)

Deputy Valencia said the suspect turned toward them with the crow bar raised to his (suspect's) right side and above his head. Valencia said the suspect took two steps towards them closing the distance. Valencia said he yelled at the suspect to stop in English. Valencia said the suspect did not say anything and continued to advance on them. Valencia said in fear for his safety and the safety of his partner he fired 5 or 6 rounds at the suspect. Valencia explained that after firing his initial rounds the suspect did not fall down. Valencia said he fired a second volley of two rounds at the suspect before the suspect fell to the ground. Valencia said the suspect fell on his back and continued to hold onto the crow bar. Valencia said he again ordered the suspect to release the crow bar but the suspect ignored him and said something (unknown) to him in Spanish. Valencia said an arrest team was formed and the suspect was taken into custody. Deputy Valencia estimated that the total time between the time the suspect exited his vehicle and the time shots were fired was 10-15 seconds.

> **IAB Note: Homicide investigators examined Deputy Valencia's duty weapon on July 09, 2003. Deputy Valencia told Homicide investigators that prior to the incident, his duty weapon, Beretta, 92F, # BER[redacted] had been loaded with a total of sixteen rounds, 1 chambered, 15 in the magazine. Homicide investigators found a total of 6 rounds remaining in Deputy Valencia's weapon, 1 chambered and 5 in the magazine.**

> **IAB Note: To review a crime scene sketch showing Deputy Valencia's position at time of the shooting and signed by Deputy Valencia, refer to Exhibit A.**

Deputy [redacted] said he was working an overtime assignment in a "Gang suppression car" along with his partner Deputy Gillis. [redacted] said he heard a call of a 273.5/422 (Spousal assault/terrorist threats call) on Raymond Street and they responded Code 3 (lights and sirens). [redacted] said they arrived at the location along with Deputy Ramos, the handling unit. [redacted] said he speaks and understands a little Spanish and they contacted the occupants of the house. [redacted] said he heard a female occupant of the residence tell Ramos that the suspect had a machete. [redacted] said Ramos put out a crime broadcast and he and Gillis returned to their radio car. [redacted] said they (he and Gillis) began checking the area for the suspect. [redacted] said approximately five minutes later he heard another radio broadcast advising that the suspect vehicle had been located by an Airship. [redacted] said Gillis was driving and they caught up and entered the pursuit of the suspect. [redacted] said both he and Gillis realized that the suspect was heading back to Raymond Street and they advised Deputy Ramos via Sheriff's radio.

Deputy [redacted] said as they arrived on Raymond Street, they were the second car in the pursuit behind Valencia and Neal. [redacted] said he saw the suspect exit his vehicle with a two or three foot long crow bar. [redacted] said he exited their vehicle and ran for cover at Neal's radio car. [redacted] said he saw the suspect had an "enraged look" on his face as the suspect ran toward the front door of the residence. [redacted] said he believed the suspect was going to enter the residence and attack the occupants. [redacted] said he thought to himself if the suspect reaches the door he ([redacted] was going to have to shoot him to prevent the suspect from entering the house. [redacted] said the suspect suddenly stopped and turned back towards two deputies (Neal and Valencia) that were standing on the walkway at the gate opening.

INVOLVED EMPLOYEE'S STATEMENT(S)

Deputy [redacted] said the suspect had the crow bar raised above his head. [redacted] said he was standing 6 to 8 feet to the east of the gate on the sidewalk. [redacted] said Neal and Valencia were approximately 6 to 8 feet away from the suspect. [redacted] said he believed the suspect was going to attack the deputies and fearing for their safety, he fired three rounds from his weapon (45 caliber). [redacted] said the suspect did not immediately fall to the ground. [redacted] explained that everything was in slow motion and the suspect then fell backwards maintaining his hold of the crow bar. [redacted] said as the suspect lay on the ground, he heard the suspect tell the deputies "Fuck you guys." [redacted] added that in retrospect he would not do anything differently.

> **IAB Note: Homicide investigators examined Deputy [redacted] duty weapon on July 09, 2003. Deputy [redacted] told Homicide investigators that prior to the incident, his duty weapon, USP, 45 caliber, # [redacted] had been loaded with a total of thirteen rounds, 1 chambered, 12 in the magazine. Homicide investigators found a total of 7 rounds remaining in Deputy [redacted] weapon, 1 chambered and 6 in the magazine.**

> **IAB Note: To review a crime scene sketch showing Deputy [redacted] position at time of the shooting and signed by Deputy [redacted] refer to Exhibit A.**

Deputy Robert Gillis said he was working an overtime assignment at Compton Station along with his partner Deputy [redacted] Gillis said his regular assignment [redacted] Gillis said on the day of the incident he received a call as the assisting unit to a domestic violence call, on Raymond Street. Gillis said they (he and [redacted] responded to the location along with the handling unit, Deputy Ramos. Gillis said several witnesses told them that the suspect (Manuel Garcia) had chased the victim ([redacted] with a machete. Gillis said they (he and [redacted] then drove away from the location in an attempt to locate the suspect. Gillis said a short time later he heard an Aero Unit broadcast information that they (Aero) had located the suspect's vehicle. Gillis said they (he and [redacted] became involved in the pursuit of the suspect as the second unit. Gillis said he was the driver and [redacted] was the passenger.

Deputy Gillis explained that he had not previously worked with Deputy [redacted] and they did not discuss what they would do at the end of the pursuit. Gillis said he realized the suspect was heading back to the location ([redacted] Raymond Street) and he advised Deputy Ramos via radio. Gillis said the suspect then drove onto Raymond Street and stopped in front of the location ([redacted] Raymond Street). Gillis said he saw the suspect exit his van holding a large metal object which he believed was a "Pick axe." Gillis said initially the suspect moved toward Deputy Neal (first Sheriff's vehicle immediately behind the suspect van). Gillis said he heard several deputies order the suspect (in English and Spanish) to stop and drop his weapon. Gillis said the suspect had a "crazed look" on his face and ignored the deputies orders to stop. Gillis said the suspect stopped and ran around the front of his van toward the residence. Gillis said he saw the suspect run toward the front door of the residence and he recalled thinking that the suspect was going to harm the occupants of the residence. Gillis said several deputies followed the suspect but stopped at the gate opening to the front yard. Gillis said additional commands were given by several deputies to stop and drop the weapon.

INVOLVED EMPLOYEE'S STATEMENT(S)

Deputy Gillis said the suspect stopped and turned back toward him and the other deputies. Gillis said the suspect held the weapon(a large steel pipe) up over his head with both hands. Gillis said he was standing to the left of Valencia and he believed the suspect was going to hit him, Valencia or Neal with his (suspect's) weapon. Gillis said just prior to the shooting he and other deputies yelled at the suspect to stop and drop the his weapon. Gillis said when the suspect advanced to within seven to eight feet of them, he opened fire on the suspect. Gillis said he believes he fired three rounds at the suspect and then moved to his left. Gillis said he knew that other deputies (unknown who) were also firing at the suspect. Gillis said that after his initial rounds, the suspect remained on his feet but eventually fell backwards landing on his buttocks and then on his side. Gillis said he recalled seeing his backdrop just prior to the shooting which was the front wall of the house. Gillis said the suspect maintained his hold on the pipe during the entire incident. Gillis he and several deputies continued to yell at the suspect to drop the pipe. Gillis said that he is not certain if less than lethal weapons were deployed. Gillis said that several deputies moved in and disarmed the suspect. Gillis said paramedics were called and treated the suspect.

> **IAB Note: Homicide investigators examined Deputy Gillis' duty weapon on July 09, 2003. Deputy Gillis told Homicide investigators that prior to the incident, his duty weapon, Berretta, 92F, # BER[redacted]Z, had been loaded with a total of sixteen rounds, 1 chambered, 15 in the magazine. Homicide investigators found a total of 14 rounds remaining in Deputy Gillis' weapon, 1 chambered and 13 in the magazine.**

> **IAB Note: To review a crime scene sketch showing Deputy Gillis' position at time of the shooting and signed by Deputy Gillis, refer to Exhibit A.**

Deputy David Vasquez said he was working an overtime assignment at Compton Station on the day of the incident. Vasquez said Deputy Bank rode with him (as a ride along) during his shift. Vasquez explained that his [redacted] Vasquez said he heard radio traffic that an air unit had located the suspect's vehicle which was wanted in an assault with a deadly weapon incident. Vasquez said that deputies (unknown who) went in pursuit of the suspect and he joined the pursuit as the third unit. Vasquez said during the pursuit he was in the second or third position during the pursuit. Vasquez said he saw the suspect drive onto Raymond Street and stop. Vasquez said there were one or two Sheriff's vehicles stopped behind the suspect's van and in front of his vehicle. Vasquez said he saw the suspect exit his vehicle. Vasquez said as he exited his vehicle, he saw the suspect began to walk toward the front yard of a residence ([redacted] Raymond Street). Vasquez said the suspect was holding what he thought was a crow bar. Deputy Vasquez said he heard several deputies yell commands at the suspect, in English and Spanish to drop the weapon. Vasquez said the suspect ignored the deputy's orders and continued toward the front door of the residence. Vasquez said the suspect was about half way down the walkway when he (suspect) stopped and turned toward the deputies. Vasquez said he saw several deputies (unknown who) standing on the sidewalk just outside of the gate entrance into the yard. Vasquez said he took a position on the east side of the deputies on the sidewalk. Vasquez said he heard deputies yelling at the suspect to stop and drop the weapon. Vasquez said he saw that the suspect had the look of a "madman," as he raised the crow bar upward.

INVOLVED EMPLOYEE'S STATEMENT(S)

Deputy Vasquez said when the suspect walked within six feet of the deputies, he (Vasquez) fearing for the safety of the deputies and believing that the suspect was going to seriously injure or kill one of the deputies, fired his duty weapon. Vasquez said he fired two or three rounds at the suspect. Vasquez said after he fired the suspect fell to his knees and then to the ground. Vasquez said he re-accessed and looked to his left and to his right and saw a female and male black (civilians) standing in the street, directly across the street from his position. Vasquez said he told the female and male to leave the area. Vasquez said he did not know where Deputy Bank was during the time of the shooting. Vasquez said he is unsure if any other deputies fired their weapons. Vasquez said the entire incident transpired very quickly. Vasquez explained that the entire incident lasted approximately 15-20 seconds from the time the suspect exited his vehicle on Raymond Street, until the shooting occurred. Vasquez added that prior to that time there was a lot of radio traffic between the air unit and ground units and there wasn't much time to coordinate anything.

> **IAB Note: Homicide investigators examined Deputy Vasquez' duty weapon on July 09, 2003. Deputy Vasquez told Homicide investigators that prior to the incident, his duty weapon, Berretta, 92F, # BER[redacted] had been loaded with a total of fifteen rounds, 1 chambered, 14 in the magazine. Homicide investigators found a total of 12 rounds remaining in Deputy Vasquez' weapon, 1 chambered and 11 in the magazine.**

> **IAB Note: To review a crime scene sketch showing Deputy Vasquez' position at time of the shooting and signed by Deputy Vasquez, refer to Exhibit A.**

WITNESS STATEMENT(S)

Deputy Brian Bank said he was on a ride-along with his friend Deputy Vasquez. Bank explained that he was in civilian clothes but was wearing a "Raid" jacket (Sheriff's nylon jacket generally worn by narcotics and gang enforcement personnel). Bank said he also wore his Sheriff's flat badge and his duty weapon on his belt. Bank said they (he and Vasquez) became involved in the pursuit of Suspect Garcia's van. Bank said the suspect drove into Raymond Street followed by two other radio cars. Bank said the suspect stopped his vehicle on Raymond Street and he saw several deputies and the suspect exit their vehicles. Bank said he saw the suspect run toward the front yard of the residence ([redacted] Raymond Street) followed by several deputies. Bank said the suspect was holding a large metal crow bar which was two and one-half to three feet long.

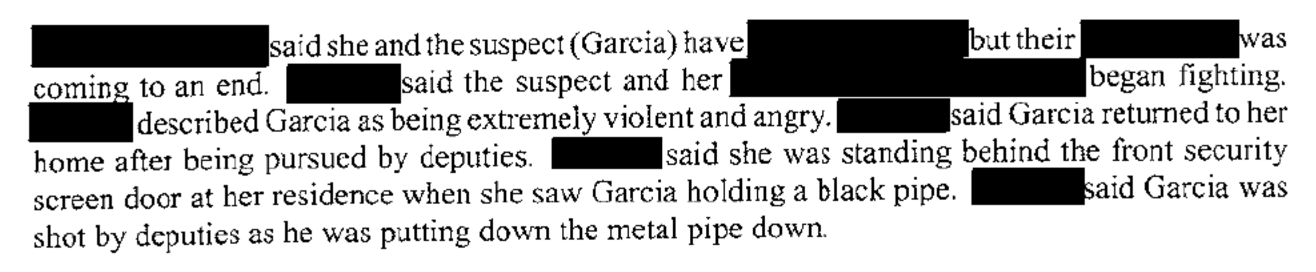
Witness Bank said he heard several deputies yelling at the suspect to "Drop it". Bank said he saw the suspect continued to run onto the walkway which lead to the front door of the residence. Bank said he drew his gun and began walking toward the sidewalk. Bank said the suspect suddenly stopped and turned toward the deputies. Bank said the suspect held the crow bar over his head as he advanced toward the deputies. Bank said he believed the suspect was going to kill or seriously injure one of the deputies that were within striking distance. Bank said he is not certain how close (distance in feet) the deputies were to the suspect. Bank said the deputies were standing on the sidewalk at the fence line when they fired at the suspect. Bank said he would have fired but a deputy (unknown who) darted into his line of fire. Bank said he heard deputies shouting at the suspect continuously from the time the suspect exited his vehicle until the shooting occurred.

WITNESS STATEMENT(S)

Deputy Bank said he saw the suspect fall to the ground maintaining his hold on the crow bar. Bank said several family members began to come out of the house and he heard deputies yell at them (family members) to stay inside. Bank said he heard 998 (deputy involved in a shooting) broadcast and a request for rescue and a sergeant to respond. Bank said paramedics arrived to treat the suspect and the suspect was transported to the hospital.

Witness Deputy Jose Ramos said he was working a one man car and was assigned the call to respond to [redacted] Raymond Street. Ramos said the call was dispatched as a 415 family (Fight family members involved) and possible 422 (Terrorist Threats) call. Ramos said he obtained information that a 273.5 P.C. (Domestic Violence) incident occurred and he broadcast information regarding the suspect and suspect vehicle information. Ramos said a short time later he heard, via his radio that an air unit had located the suspect's vehicle. Ramos said units were dispatched to aero's location and a pursuit of the suspect's vehicle began. Ramos said that someone broadcast radio traffic advising him that the suspect might be returning to his location ([redacted] Raymond Street).

Deputy Ramos said he saw the suspect's van come to a screeching stop in front of the location. Ramos said he drew his gun and illuminated the suspect with his flashlight. Ramos said he yelled at the suspect "Let me see your hands" in English and Spanish. Ramos said the suspect exited his van holding a large metal t-wrench in his right hand. Ramos said he saw the suspect run around the front of his (suspect's) van and into the front yard of the location. Ramos said he and several other deputies ran after the suspect yelling in English and Spanish to drop the wrench. Ramos said the suspect ignored their orders and continued running toward the front door of the location. Ramos said the suspect suddenly stopped and turned back toward the deputies. Ramos said the suspect held the wrench in a position as if he (suspect) was going to throw it at the deputies. Ramos said the suspect was approximately ten feet away from the deputies. Ramos said the suspect was standing on the walkway and the deputies were standing on the sidewalk at the fence line. Ramos thought the suspect was crazy because he ignored the deputy's orders to drop the wrench. Ramos said he saw several deputies open fire on the suspect. Ramos said the suspect fell to the ground but continued holding onto the wrench. Ramos said he helped pry the wrench from the suspect's hands after the shooting. Ramos said the suspect was then handcuffed, examined by paramedics and transported via ambulance to the hospital.



[redacted] said she and the suspect (Garcia) have [redacted] but their [redacted] was coming to an end. [redacted] said the suspect and her [redacted] began fighting. [redacted] described Garcia as being extremely violent and angry. [redacted] said Garcia returned to her home after being pursued by deputies. [redacted] said she was standing behind the front security screen door at her residence when she saw Garcia holding a black pipe. [redacted] said Garcia was shot by deputies as he was putting down the metal pipe down.

IAB Note: [redacted] sustained a gunshot wound to her abdomen from one of the rounds fired by deputy personnel (unknown who).

WITNESS STATEMENT(S)

Witness [redacted] said he was inside the house with his [redacted] when his father (Suspect Garcia) returned to their house followed by deputies. Initially [redacted] told Homicide investigators that he had seen deputies shoot his [redacted] after they ordered him to drop the weapon. Later [redacted] said that he did not actually witness the shooting and only heard gunshots. [redacted] added that his [redacted] told him to duck down.

Witness [redacted] said he was standing across the street from his house when he saw a female blonde deputy and several other deputies who were standing along the front fence shoot his [redacted] said he did not hear the deputies give any commands to his [redacted] prior to shooting him. [redacted] said his [redacted] was holding a metal pipe with both of his hands when the police shot him. [redacted] added that after his [redacted] was on the ground the police turned him over and shot him three more times.

Witness [redacted] said that her [redacted] and her [redacted] (Suspect Garcia) had been fighting but they both left the location. [redacted] said she later saw her [redacted] van on their street and she ran into their house. [redacted] said she saw her [redacted] van in the street through the livingroom window. [redacted] said she saw her [redacted] running toward the rear house with a metal pipe in his hands. [redacted] said she heard deputies yell at her [redacted] to stop and put the pipe down. [redacted] said her [redacted] ignored the deputies and that is when the deputies shot her [redacted]

Witness [redacted] said she was aware that the police were chasing her [redacted] because she was standing next to a deputy and heard the a radio broadcast. [redacted] said she got scared when she heard that her [redacted] was coming back to the location. [redacted] said she was running to her [redacted] house when she heard several gunshots. [redacted] said she did not hear or see anything else.

Witness [redacted] said she was inside her home [redacted] from [redacted] Raymond Street, when she heard the sound of sirens. [redacted] said she looked outside and saw a man (suspect) in the yard of that residence. [redacted] said she heard the deputies yell "Put it down." [redacted] said she saw the deputies shoot the man while he was on the walkway.

Witness [redacted] said she was inside her home when she noticed the flashing lights of police cars. [redacted] said she heard deputies yelling (unknown what they were yelling) and heard numerous gunshots. [redacted] did not hear or see anything else.

Witness [redacted] said she was inside her house when she heard several gunshots. [redacted] did not hear or see anything else.

Witness [redacted] said he was inside his home working on his computer when he heard the sound of sirens followed by twelve to fourteen gunshots. [redacted] did not hear or see anything else.

Witness [redacted] said he was inside his home when he heard yelling (unknown what) and heard gunshots. [redacted] did not hear or see anything else.

WITNESS STATEMENT(S)

Witness [redacted] said he was in the livingroom of his home watching television when he heard nine gunshots. [redacted] did not hear or see anything else.

Witness [redacted] said she was inside her house when she heard three or four gunshots. [redacted] did not hear or see anything else.

Witness [redacted] said she was inside her home along with Witness [redacted] when they heard several gunshots. [redacted] said she did not hear or see anything else.

Witness [redacted] said he was inside his home along with Witness [redacted] when he heard several gunshots. [redacted] stated that he did not hear or see anything else.

Witness [redacted] said she lives in the [redacted] Raymond Street. [redacted] said she was inside her home when she heard several gunshots. [redacted] added that she did not see or hear anything else related to the shooting.

Witness [redacted] said she lives in the [redacted] Raymond Street. [redacted] said she was inside her home when she heard several gunshots. [redacted] added that she did not see or hear anything else related to the shooting.

Witness [redacted] said he was visiting his [redacted] when he heard several gunshots. [redacted] said he did not hear or see anything else related to the shooting incident.

Witness [redacted] he was visiting his [redacted] Raymond Street) when he heard six or seven gunshots. [redacted] said he did not hear or see anything else related to the shooting incident.

Witness [redacted] said she was visiting her [redacted] Raymond Street) when she heard several gunshots. [redacted] said she did not hear or see anything else related to the shooting incident.

Witness [redacted] he was visiting his [redacted] Raymond Street) when he heard several gunshots. [redacted] said he did not hear or see anything else related to the shooting incident.

INJURIES:

The suspect sustained eighteen gunshot wounds to his torso, arms, legs and buttocks. The suspect succumbed to his injuries and was pronounced at Martin Luther King/Drew Medical Center. See autopsy report, **Exhibit B** pages 204 through 267 of Homicide Book.

PHYSICAL EVIDENCE:
Numerous spent shell casings in the front yard grass area, walkway and sidewalk at [redacted] Raymond Street. For a detailed list of evidence collected refer to, **Exhibit B**, pages 29 through 32 of Homicide Book and photographs in **Exhibit C-1 & C-3.**

INVESTIGATOR OBSERVATIONS:
Refer to supplemental report, **Exhibit B,** page 29 of Homicide Book for additional information. Refer to **Exhibit C -1,** to view photographs of location where shooting occurred.

WEAPONS USED BY DEPUTY PERSONNEL:
45 caliber and 9 millimeter handguns.

WEAPONS USED BY SUSPECTS:
Large metal "T" style wrench, see photographs **Exhibit C -2.**

PROPERTY DAMAGE:
Bullet strike marks to screen door and stucco, see **Exhibit C-**4.

CRIMINAL INVESTIGATOR:
Homicide Detectives Scott and Mac Arthur.

LIGHTING OR WEATHER CONDITIONS:
Clear warm evening, location illuminated by street lights and lights from residences.

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
July 08, 2003	FORII/Compton	☐	☒

URN: 003-09874-2381-057	Date: 07/08/2003 Time: 2240
City or Station: Compton	Nature of Incident: After a pursuit of a 273.5 suspect. The suspect exited his vehicle and ran toward the home of the victim carrying a large pipe. The suspect then turned and lunged at the pursuing deputies who shot him.
Location: [redacted] West Raymond Street, Compton 90220	

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence), Rural, School, Street, Other: ______

Lighting (circle only one): Darkness, Daylight, Other, (Street Lights)

Weather (circle only one): (Clear), Cloudy, Fog, Rain

Distance: 5-7'

Incident Type (circle one or more): Accidental, (Armed Person), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (circle only one): Arrest Warrant, (Call), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, (Other), Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
32	0	☒	☐

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Ramos	Joseph		EM (PM) Day	(Regular) Overtime Off Duty
[redacted]	Banks	Brian		EM (PM) Day	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		-
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	-	-
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	-	-

Employee #	Last Name	First Name	M.I.	(circle one or more)
				On Duty, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Rodriguez	John		(On Duty), Present during shooting, Witness to shooting, Involved in shooting

Employee #	Last Name	First Name	M.I.
[redacted]	Birtness	Drew	
[redacted]	Drake	Paul	

PSTD Use Only
SH # 2093009

Officer Involved Shooting

URN: 003-09874-2381-057

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
7-08-04	2330	1-24-05	

Employee #	Last Name	First Name	M.I
[redacted]	Reyes	Henry	J
[redacted]	Morris	Brian	W
[redacted]	Jennings	Ricky	D

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

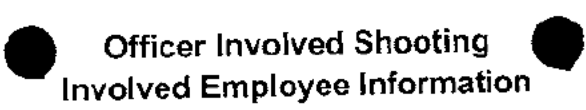
Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OO					NN	
S#1	E#2	OO					NN	
S#1	E#3	OO					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	AD
E#2	S#1	FH	BN	9	Y	Y	GS	AD
E#3	S#1	FH	BR	9	Y	Y	GS	AD
E#4	S#1	FH	ZZ	45	Y	Y	GS	AD
E#5	S#1	FH	BR	9	Y	Y	GS	AD

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 003-09874-2381-057

E 1

Field	Value
Employee #	[redacted]
Last Name	Valencia
First Name	Joseph
M.I.	
Sex	M
Race	H
Rank	DSG
Unit Assignment	Compton
Work Assignment (Unit #, Module, etc.)	281A
ShiftTime (*circle only one*): EM / PM / Day	(EM)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	(Regular)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	6
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	(Uniform w/ Vest)
Other Factors	
Age	[redacted]
Height	600
Weight	220
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /
Field Training Officer Emp # / Last Name / First Name / M.I.	

E 2

Field	Value
Employee #	[redacted]
Last Name	Neal
First Name	Patrick
M.I.	
Sex	M
Race	B
Rank	DSG
Unit Assignment	Compton
Work Assignment (Unit #, Module, etc.)	281A
ShiftTime (*circle only one*): EM / PM / Day	(EM)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	(Regular)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	8+
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	(Uniform w/ Vest)
Other Factors	
Age	[redacted]
Height	600
Weight	252
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /

E 3

Field	Value
Employee #	[redacted]
Last Name	Gillis
First Name	Robert
M.I.	
Sex	M
Race	W
Rank	DSG
Unit Assignment	Plamdale/GET
Work Assignment (Unit #, Module, etc.)	W528G
ShiftTime (*circle only one*): EM / PM / Day	(PM)
ShiftType (*circle only one*): Regular / Overtime / Off Duty	(Overtime)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	(Raid Jacket w/ Vest)
Other Factors	
Age	[redacted]
Height	602
Weight	220
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /
Field Training Officer Emp # / Last Name / First Name / M.I.	[redacted] / [redacted] / [redacted] /

See Other Side



Officer Involved Shooting
Involved Employee Information

URN: 003-09874-2381-057

E 4

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: W	Rank DSG	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM [redacted] Day	ShiftType (*circle only one*): Regular [redacted] Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8-9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, (Raid Jacket w/ Vest) [circled], Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 602 Weight: 215		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 5

Employee # [redacted]	Last Name Vasquez	First Name David	M.I.
Sex: M Race: H	Rank DSG	Unit Assignment: TSB	Work Assignment (Unit #, Module, etc.): 283
ShiftTime (*circle only one*): (EM) [circled] PM Day	ShiftType (*circle only one*): Regular (Overtime) [circled] Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 9	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) [circled]	Other Factors:
Age: [redacted]	Height: 5'11" Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 003-09874-2381-057

S 1

Last Name Garcia | First Name Manual | M.I. E

AKA Last Name | First Name | M.I.

Sex: M | Race: H | Street Address [redacted] | City [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted]

Age: 39 | D.O.B. 10-18-63 | Height 507 | Weight: 140 | FBI # [redacted] | CII # [redacted]

Booking # | Primary Charge: 273.5 PC | Secondary Charge: 422 P.C.

Coroner Case? ☒ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted]

Vehicle Make Chevrolet | Model: Van | Year: 1997

S__

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year:

S__

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year:

S__

Last Name | First Name | M.I.

AKA Last Name | First Name | M.I.

Sex: | Race: | Street Address: | City | State & Zip Code:

Work Phone: | Home Phone: | Social Security #: | Driver's License #:

Age: | D.O.B. | Height: | Weight: | FBI # | CII #

Booking # | Primary Charge: | Secondary Charge:

Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used:

Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐

Vehicle Make | Model: | Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

September 27, 2004

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Peavy:

Re: J.S.I.D. File No: 03-0560
L.A.S.D. File No: 003-09874-2831-013

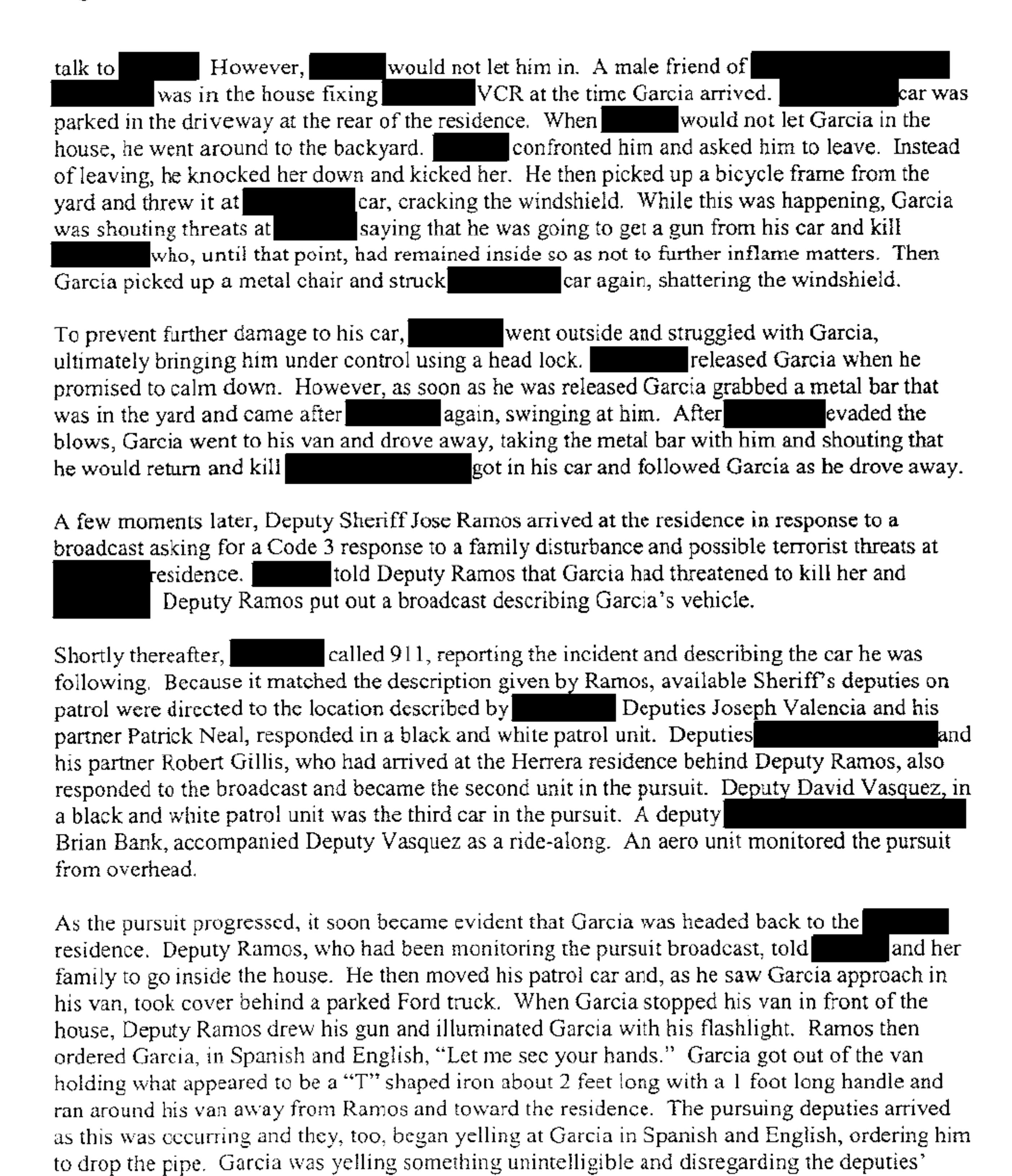
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review into the circumstances surrounding the fatal shooting of Manuel Garcia and the non-fatal shooting of Barbara Herrera on July 8, 2003, by Los Angeles County Sheriff's Department (LASD) Deputies Patrick Neal, Robert Gillis, [redacted] Joseph Valencia and David Vasquez. We have concluded that the aforementioned personnel acted lawfully in self-defense and in defense of others.

The following analysis is based upon reports prepared by Detectives Mike Scott and Alec MacArthur of the LASD Homicide Bureau and submitted to this office on December 4, 2003. The District Attorney Command Post was notified of this incident on July 9, 2003, at 12:45 a.m. Deputy District Attorney William Penzin and District Attorney Senior Investigator [redacted] of the District Attorney Response Team arrived at the scene at approximately 2:00 a.m. They were given a briefing and a walk through of the scene by LASD Lieutenants Jim Curtis and Al Grotefend, and Detectives Mike Scott and Alec MacArthur. No compelled statements were reviewed for this analysis.

FACTUAL ANALYSIS

[redacted] was in a [redacted] with Manual Garcia for about [redacted] with him: [redacted] and [redacted] Apparently Garcia had been abusive toward [redacted] throughout [redacted] and she and the children were afraid of him. [redacted] and Garcia [redacted]

On the evening of July 8, 2003, Garcia came to the [redacted] home unannounced, ostensibly to



talk to [redacted] However, [redacted] would not let him in. A male friend of [redacted] was in the house fixing [redacted] VCR at the time Garcia arrived. [redacted] car was parked in the driveway at the rear of the residence. When [redacted] would not let Garcia in the house, he went around to the backyard. [redacted] confronted him and asked him to leave. Instead of leaving, he knocked her down and kicked her. He then picked up a bicycle frame from the yard and threw it at [redacted] car, cracking the windshield. While this was happening, Garcia was shouting threats at [redacted] saying that he was going to get a gun from his car and kill [redacted] who, until that point, had remained inside so as not to further inflame matters. Then Garcia picked up a metal chair and struck [redacted] car again, shattering the windshield.

To prevent further damage to his car, [redacted] went outside and struggled with Garcia, ultimately bringing him under control using a head lock. [redacted] released Garcia when he promised to calm down. However, as soon as he was released Garcia grabbed a metal bar that was in the yard and came after [redacted] again, swinging at him. After [redacted] evaded the blows, Garcia went to his van and drove away, taking the metal bar with him and shouting that he would return and kill [redacted] got in his car and followed Garcia as he drove away.

A few moments later, Deputy Sheriff Jose Ramos arrived at the residence in response to a broadcast asking for a Code 3 response to a family disturbance and possible terrorist threats at [redacted] residence. [redacted] told Deputy Ramos that Garcia had threatened to kill her and [redacted] Deputy Ramos put out a broadcast describing Garcia's vehicle.

Shortly thereafter, [redacted] called 911, reporting the incident and describing the car he was following. Because it matched the description given by Ramos, available Sheriff's deputies on patrol were directed to the location described by [redacted] Deputies Joseph Valencia and his partner Patrick Neal, responded in a black and white patrol unit. Deputies [redacted] and his partner Robert Gillis, who had arrived at the Herrera residence behind Deputy Ramos, also responded to the broadcast and became the second unit in the pursuit. Deputy David Vasquez, in a black and white patrol unit was the third car in the pursuit. A deputy [redacted] Brian Bank, accompanied Deputy Vasquez as a ride-along. An aero unit monitored the pursuit from overhead.

As the pursuit progressed, it soon became evident that Garcia was headed back to the [redacted] residence. Deputy Ramos, who had been monitoring the pursuit broadcast, told [redacted] and her family to go inside the house. He then moved his patrol car and, as he saw Garcia approach in his van, took cover behind a parked Ford truck. When Garcia stopped his van in front of the house, Deputy Ramos drew his gun and illuminated Garcia with his flashlight. Ramos then ordered Garcia, in Spanish and English, "Let me see your hands." Garcia got out of the van holding what appeared to be a "T" shaped iron about 2 feet long with a 1 foot long handle and ran around his van away from Ramos and toward the residence. The pursuing deputies arrived as this was occurring and they, too, began yelling at Garcia in Spanish and English, ordering him to drop the pipe. Garcia was yelling something unintelligible and disregarding the deputies'

commands as he ran toward the front porch of [redacted] residence. The deputies all believed that Garcia intended to harm Herrera and the children if he gained access to the house.

When he reached the front porch, Garcia paused and turned toward the street, confronting Deputies Neal and Valencia, who had run into the front yard after him. Garcia then raised the metal pipe over his head as if to strike, and started to advance toward Deputies Neal and Valencia, who at that moment were in the walkway to the residence approximately seven to ten feet from Garcia. Deputy Gillis was to the rear of Deputy Valencia, about 15 feet from Garcia.

Garcia was unresponsive to their repeated orders to stop and to put the pipe down. Garcia took two steps toward the deputies, rapidly closing the distance between them, at which point Deputy Valencia feared for his life and fired his service weapon at Garcia. Virtually simultaneously, Deputies Gillis and Neal also fired their service weapons at Garcia. Deputy Gillis stated that on the date of this incident he and Deputy [redacted] did not have a taser gun or beanbag shotgun in their patrol car. After the first volley of shots, Garcia was still standing, prompting Deputy Valencia to fire a second volley. Garcia then fell to the ground, still holding the metal pipe.

Deputy [redacted] was standing on the sidewalk approximately six feet from the entrance gate to the front walkway to the [redacted] residence. As Deputy [redacted] watched Garcia running toward the front door to the [redacted] residence with the metal pipe in his hand, he was convinced that if Garcia was able to get inside he would attempt to carry out his threat to kill [redacted] Deputy [redacted] got a good look at Garcia's face before Garcia started toward the house, and observed that he appeared to be enraged. For that reason, Deputy [redacted] believed that he would have to shoot Garcia if he got to the front door. Then, when Garcia turned and advanced within a few feet of Valencia and Neal while brandishing the metal pipe, [redacted] fired his service weapon in the further belief that Garcia intended to kill or injure the two deputies.

Deputy Vasquez was standing on the sidewalk near the entrance gate when he observed Garcia advancing on Deputies Gillis, Valencia and Neal. He feared that Garcia was a threat to the deputies and intended to try to harm them, and he fired his service weapon at Garcia.

Garcia sustained 18 gunshot wounds, including a fatal wound to his abdomen and numerous contributory wounds to his arms and legs. He was treated at the scene by paramedics and transported to Los Angeles County King/Drew Medical Center where he expired after surgery.

[redacted] sustained a grazing wound to her left abdomen, and was also transported to King/Drew Medical Center for treatment.

[redacted] children witnessed the initial confrontation between Garcia, [redacted] and [redacted] All of them described Garcia as the aggressor and said he was making threats to come back and kill [redacted] and/or [redacted] just before he drove off. Several neighbors heard the confrontation between Garcia and [redacted] and [redacted] but did not actually witness it.

When Garcia returned to the residence, [redacted] and her [redacted] were outside speaking with Deputy Ramos and listening to the pursuit broadcast. When they saw Garcia's van turn down their street, the [redacted] and [redacted] ran into the house.

[redacted] (age 15) said Garcia was running toward the house when deputies shot him. She saw a metal pipe in his hand that she recognized as a pipe that had been in their backyard. She said that she heard the deputies yelling at him to put the pipe down, but that Garcia did not listen. [redacted] (age 14) said that she did not see what happened because she was so frightened she ran out the back, to the rear house, and only heard gunshots. [redacted] (age 12) was in the living room with his [redacted] but ducked down and did not see the shooting. He said that he heard the deputies order Garcia to drop the metal pipe and step to the side, but his [redacted] kept walking. [redacted] told him to duck, so he did, and he only heard the gunshots. He said [redacted] was standing near the front door and was unable to close the door in time, causing her to be inadvertently struck by a round fired by one of the deputies. [redacted] was interviewed briefly at the hospital. She said that Garcia was getting ready to put the metal pipe down when the deputies shot him.

LEGAL ANALYSIS

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALJIC 5.30, 5.32.

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App. 2d 575.

CONCLUSION

The evidence gathered in the course of this investigation demonstrates that the deputies who shot Garcia did so in a justified act of self-defense in response to the imminent danger of great bodily injury posed by Garcia and the metal pipe he was wielding.. The deputies were aware that Garcia had made threats to kill [redacted] and [redacted] Garcia appeared to be enraged and out of control, causing each deputy to reasonably believe that his own life was in danger or that fellow deputies' lives were in danger. Garcia was unresponsive to their repeated orders in Spanish and

English to stop and put down the metal pipe. Only when Garcia had come to within striking range of Deputies Valencia and Neal did any deputy fire.

We conclude that all the deputies acted lawfully in self-defense and in defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]
ELIZABETH MUNISOGLU
Deputy District Attorney
213/974-5034

c: Deputy Patrick Neal, #[redacted]
Deputy Joseph Valencia, #[redacted]
Deputy Robert Gillis, #[redacted]
Deputy [redacted] #[redacted]
Deputy David Vasquez, #[redacted]